

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JANUARY 6, 2015**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Kevin Porter, Commissioner Floyd Greenwood and Commissioner Philip Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Frederick Drive

Staff Recommendation: Continue to a Date Uncertain

Continued Public Hearing on an Abbreviated Notice of Resource Area Delineation filed by F. Mark and Phillip W. D'Annolfo under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law to confirm the boundary of bordering vegetated wetland area at **Frederick Drive**.

Agent Cleary presented this to the Commission. Applicant has requested to continue to a date uncertain.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to a date uncertain; it was seconded by Commissioner Sutherland and unanimously approved.

121 Jenkins Road

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Present in Interest: Sean Szekeley and Bill MacLeod

Continued Public Hearing on a Notice of Intent filed by Arch Land Development, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family dwelling, appurtenant grading, utilities, septic system and driveway at **121 Jenkins Road**.

Mr. Douglas presented these to the Commission. A revised plan was received. Commissioners Driscoll and Porter expressed their concern with the steep grading of the slope. The slope is needed to level the backyard and it is 3:1. There is a standard condition in the Order of Conditions addressing stabilization of the slope.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to close the public hearing and issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

55 Harold Parker Road

Staff Recommendation: Continue

Present in Interest: Bernie Paquin, Vicka Corey and Andy Posasek

Continued Public Hearing on a Notice of Intent filed by Vicka Rael Corey under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a fabric structure at **55 Harold Parker Road**.

Agent Cleary presented this to the Commission. All work has been moved outside the 200 foot Riverfront Area of the Skug River. This was continued from December 2, 2014 for purposes of a revised plan showing revised flagging, depiction of non-disturb bounds, etc. Since the project is outside the 200 foot Riverfront Area, replication is no longer required. The inner riparian zone will remain completely forested and naturalized. There will be a 100 foot wide wildlife corridor along the River. Special Condition #9 to revised to add “or” and remove “stored”.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to close the public hearing and issue the Order of Conditions as revised; it was seconded by Commissioner Greenwood and unanimously approved.

244 South Main Street

Staff Recommendation: Continue to a date uncertain

Continued Public Hearing on a Notice of Intent filed by Thomas Childs under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed restoration of an ornamental pond at **244 South Main Street**.

Mr. Douglas presented this to the Commission. The applicant requests to be continued to a date uncertain.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to continue to a date uncertain; it was seconded by Commissioner Driscoll and unanimously approved.

69 North Street

Staff Recommendation: Continue to a date uncertain

Present in Interest: Ben Osgood and David Murray

Public Hearing on an Amended Order of Conditions filed by David Murray under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed conversion of 36 condominium units to 24 single family units; reduction of pavement to include 20' wide looped access roadway and driveways; reduction in total impervious area; redesigned drainage system at **69 North Street**.

Mr. Douglas presented this to the Commission. Phase II of this project was approved for 48 units located in 2 large apartment style buildings. The amendment requests a change for 24 single family condominium units, of which 25% will be affordable. This remains a 40B project. There will be a decrease in impervious area; however the question to be answered is if this is an "insignificant change" to the Plan approved. The original Order of Conditions issued is set to expire in October, 2015. Any amendment issued by the Commission will not extend the Order of Conditions, so the Applicant will be back before the Commission for an extension by late summer.

Commissioner Greenwood does not think this is a minor change to the plan approved previously. Commissioner Driscoll agreed and asked that a new Notice of Intent be filed for Phase II. Commissioner Sutherland stated that it appeared from the plan that there is more impervious area closer to the resource area. He would like a peer review before deciding if a new Notice of Intent should be filed.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to require the Applicant to file a new Notice of Intent; it was seconded by Commissioner Driscoll. The motion failed with 3 Commissioners opposed.

Commissioner Sutherland made a Motion to conduct 2 peer reviews, hydrological and environmental, to assess any substantive changes; it was seconded by Vice Chairman Porter and unanimously approved.

Commissioner Driscoll made a Motion to continue to a date uncertain; it was seconded by Vice Chairman Porter and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from December 16, 2014.

Apple Blossom Lane, Lot 3

Issuance of a Satisfactory Completion of Work Certificate.

17 Sugarbush Lane

Issuance of a Satisfactory Completion of Work Certificate.

4 Delphi Circle

Issuance of a Satisfactory Completion of Work Certificate.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Greenwood and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**Overseer Nominations and Appointments**

Vice Chairman Porter put forth a new resident for approval as an overseer and 2 reappointments as overseers.

Chairman Sutherland made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

Community Garden**Present in Interest: Ann Knowles**

Ann worked with an Intern from Andover High School to determine if there is interest in Town for a community garden and to assist in site selection. The Retelle Reservation appears to be the best reservation for a community garden. The reservation is flat with water access from a hydrant, which is crucial. An acre would be plowed and deer fence installed. The South Church has committed to farming ½ of the garden to donate the food to Neighbors in Need. The remaining portion of the garden would be open for residents to purchase the right to garden on a portion of the remaining garden, or use as they see fit. A committee will be selected to work out the water agreement, operating rules and permits. Boy Scouts and Girl Scouts can be utilized for projects.

Commissioner Greenwood inquired as to the use of herbicides and pesticides. He also questioned who would collect the fee charged and where it would be deposited.

Chairman Cooper advised Ann to clear with Town Counsel that they are able to charge a fee for town land usage.

Vice Chairman Porter asked where the residents would park and how large the parking area would be. This is a natural habitat area. Parking would be on a lawned area with gates which would be unlocked at certain times of the day and locked every evening.

Chairman Cooper agreed there is enthusiasm for community gardens now, however, history has shown that enthusiasm declines and the garden becomes an eye sore. The Retelle Reservation is our newest reservation. It is pristine and he is hesitant about the garden being placed here. A close watch would need to be kept to ensure plants are removed season to season.

Commissioner Greenwood is concerned with the “industrialization” of pristine land. An acre is a lot of land and the Town does not have many meadows.

Ann will be back to the Commission once a committee has been selected.

5 Courtney Lane

Issuance of a Certificate of Compliance.

Commissioner Sutherland made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

Streamline Permitting

Mr. Douglas reviewed the streamline permitting project being conducted by CD&P and agreed to forward the draft report to the Commission for their input and comments. The consensus of the Commission is that the applications are “Applicant Driven”.

1320 South Street

Present in Interest: Susan Stott and John Hess

This is a 20 acre property along the Shawsheen River. 1/3 of the property is Riverfront. AVIS has been watching this property for about 10 years. AVIS would like the Town to assign its Right of First Refusal to them to purchase the property. AVIS is considering subdividing the house and 1 acre from the parcel to sell at market rate as the property will be removed from Chapter 61a upon the sale. The removal of the property would result in roughly \$36,000 in real estate taxes being paid to the Town.

Commissioner Driscoll made a Motion to advise the Board of Selectmen to not waive the Rights of First Refusal as there are one or more entities interested in purchasing this property; it was seconded by Vice Chairman Porter and unanimously approved.

Tick Tubes

Present in Interest: John Kou

John presented to the Commission his study of the use of tick tubes to rid an area of ticks. The tick tube is a double sided open roll container which is filled with cotton sprayed with permethrin. The tubes are camouflaged and set in areas known to have a high rodent population. Rodents are the main vehicle to carry ticks. Rodents take the cotton for their habitat and rub it on their backs which allow the permethrin to come in contact with the ticks and killing them. These can easily be made at home and placed at trailheads, dog parks, high risk areas and Serios Grove.

Vice Chairman Porter asked if there will be any follow up to determine if this is working.

121 Hidden Road

Discussion of Enforcement Action. Homeowner took down some hazardous trees and invasives. No action to be taken.

70-84 Essex Street

Discussion of Enforcement Action. Earth movement has taken place within the 200 foot Riverfront Area, some clearing within 150 feet of Riverfront.

Vice Chairman Porter made a Motion to issue an Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

The next meeting will be held January 20, 2015 at 7:45pm.

The meeting was adjourned at 9:45 pm by Motion of Commissioner Driscoll and seconded by Commissioner Sutherland and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**